

**PHARMACY BOARD[657]**

**Adopted and Filed**

**Rule making related to controlled substance registration**

The Board of Pharmacy hereby amends Chapter 10, “Controlled Substances,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 124.301.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 124.302 and 124.303.

*Purpose and Summary*

This amendment clarifies the Board’s expectation that an individual controlled substances act registrant cancels the registrant’s registration when the registration is no longer needed (such as when discontinuing practice in Iowa) and, when having done so, is allowed to later renew when the registrant returns to practice in Iowa or wishes to again engage in activities which require a registration for the standard renewal fee.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 1, 2020, as **ARC 4837C**.

The Board received no public comments except from members of the Administrative Rules Review Committee who expressed concern over the proposed amendments. Under the published Notice, the Board sought an amendment which allowed delinquent registrants to renew their registration if they attested that they had not engaged in registered activities in Iowa during the delinquent period. The ARRC believed that registrants are responsible for maintaining their professional licenses and registrations and expressed concern about the potential reduction in Board revenues as a result. After further review, the Board agreed with the concerns and did not adopt Item 1 of the Notice.

The adopted rule making consists only of the addition of a subrule to clarify that registrants are expected to cancel their registrations when they determine they no longer wish to engage in registered activities in Iowa.

*Adoption of Rule Making*

This rule making was adopted by the Board on June 23, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on August 19, 2020.

The following rule-making action is adopted:

Adopt the following **new** subrule 10.9(7):

**10.9(7) *Cancellation of registration.*** An individual registrant who no longer needs a registration due to discontinuation of practice in Iowa or discontinuation of possessing, administering, dispensing, or prescribing controlled substances shall contact the board to request cancellation of the registration. An individual registrant may renew the registration upon a return to practice in Iowa or a return to possessing, administering, dispensing, or prescribing controlled substances by submitting an application and a nonrefundable fee for registration renewal of \$90 per biennium and a nonrefundable surcharge of not more than 25 percent of the registration fee for deposit into the program fund.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/15/20.